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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/628,569 | 07/29/2003 | Yannis Labrou | 1634.1004 | 4126 |
| 21171 | 7590 | 06/26/2008 | | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER WEST, THOMAS C | |
| | | | ART UNIT 3685 | PAPER NUMBER |
| | | | MAIL DATE 06/26/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,569

Applicant(s)

LABROU ET AL.

Examiner

THOMAS WEST

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1-22-08, 1-2-08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Continued Examination Under 37 C.F.R. §1.114

1. A request for continued examination under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R. §1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. §1.114. Applicant's submission filed on March 18, 2008 has been entered.
2. Claims 1-37 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed on January 2, 2008 and January 22, 2008 have been considered. Initialed copies of Forms 1449 are enclosed herewith.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-7 10, 11, 15, 16, 27, 35-36, 37 are rejected under U.S.C. §102(e) as being unpatentable over Mizrah, U.S. Patent No. 7,379,916.

Claims:

1, 3, 37: A computer system conducting purchase transactions using wireless communication between a consumer and a merchant, comprising:

a consumer operated mobile device comprising a controller prompting input of a first non-stored and non-transmitted parameter and a storage storing a second non-transmitted parameter (see col. 10, lines 44-57, POS, communication devices, mobile phones, secret PIN, random digits);

a merchant operated device (see col. 10, lines 44-57, POS);

a trusted secure transaction server (STS) device comprising a controller and a storage storing the first non-stored and non-transmitted parameter input to the consumer mobile device and the second non-transmitted parameter (see col. 9, lines 34-38);

one or more payment service devices (see col. 10, lines 44-57, POS);

an open and non-secure wireless communication channel in communication with the consumer device and the merchant device (see col. 9, lines 29-32, no guaranteed security);

a communication network in communication with the merchant device and the STS device (see col. 19, lines 42-50, POS, communication devices);

a communication network in communication with the STS device and the payment service devices, (see col. 19, lines 42-50, POS, communication devices)

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wherein the consumer mobile device, and the STS device each verifying controllers verify a purchase transaction between the merchant and the consumer over the open and non-secure wireless communication channel based upon both the first non-stored and non-transmitted parameter input to the consumer mobile device and at the second stored and non-transmitted parameter of the consumer mobile device identifying the consumer to the STS device (see col. 10, lines 57-67 and col. 11, line 1, transaction, authentication).

a storage storing a second non-transmitted parameter; (see col. 9, lines 34-38, random digits)

a controller prompting input of a first non-stored and non-transmitted parameter, and verifying a purchase transaction over the open and non-secure wireless communication channel based upon both the first non-stored and non-transmitted parameter input to the mobile device and the second stored and non-transmitted parameter of the mobile device, identifying the user to the STS device (see col. 9, lines 21-38, secret PIN, random digits).

2. (PREVIOUSLY PRESENTED) The computer system as in claim 1, wherein the wireless communication channel is a local wireless network and the consumer mobile device comprises a local wireless network interface connecting to the local wireless network (see col. 6, lines 33-36, wireless personal organizer).

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4. (CURRENTLY AMENDED) The computer system as in claim 3 wherein the consumer mobile device executes a web browser application providing a user interface to the purchase transaction, a purchasing application executing the verifying and a submit receipt application generating a receipt of the purchase transaction (see col. 6, lines 30-33, GUI/URL, col. 1, lines 42-44, selling slip).

5. (CURRENTLY AMENDED) The computer system as in claim 2, wherein the communication network in communication with the merchant device and the STS device is a wire and/or a wireless network, and the merchant device further comprises a wire and/or wireless network interface connecting to the wire and/or wireless network in communication with the STS device, (see col. 10, lines 15-21, POS, communication lines)

wherein the merchant device executes a merchant retail application program providing a user interface to the purchase transaction and a purchasing application program executing the verifying (see col. 17, lines 11-20, program module, POS).

6. (PREVIOUSLY PRESENTED) The computer system as in claim 4, wherein the consumer mobile device comprises a lightweight processor with storage executing the purchase application, the web browser, and the submit receipt application (see col. 19, lines 9-16, smart card, (inherently lightweight processor), and the consumer mobile device further comprises: a battery; a display; and

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means for a user to input information including navigation buttons or a touch screen of the display (see col.10, lines 44-50, URL/GUI, (mobile device inherently contains a battery)).

7. (PREVIOUSLY PRESENTED) The computer system as in claim 6, wherein the consumer mobile device is credit card sized of approximately 55mm x 85 mm and approximately 10mm thick or thinner (see col. 19, lines 9-16, smart card).

10. (PREVIOUSLY PRESENTED) The computer system as in claim 9, wherein the purchase transaction is for purchase of a physical good or a token presentation (see col. 4, lines 7-8, buy/sell transaction).

11. (PREVIOUSLY PRESENTED) The computer system as in claim 10, wherein the consumer mobile device includes means for indicating readiness to authorize payment including one or more of a "Pay" button or a touch screen "Pay" button (see col. 4, lines 21-30, buy/sell transaction authorization)

15. (CURRENTLY AMENDED) The computer system as in claim 6, wherein the consumer mobile device interfaces to a remote display located remotely from the consumer mobile device, on the merchant device (see col. 12, lines 45-51, merchant POS authorization session).

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16. (PREVIOUSLY PRESENTED) The computer system as in claim 6, wherein the consumer mobile device is a Personal Digital Assistant (PDA) or a mobile phone (see col. 6, lines 33-36, wireless personal organizer).

27, 28. wireless communication channel between the consumer mobile device and the merchant device is a cellular telephone network and the consumer mobile device associates with the purchase transaction, as proximity binding of the consumer (see col. 7, lines 41-53, matching transaction parameters).

the merchant device executes a physical goods purchase as the purchase transaction and associates, as a binding, the physical goods purchase with the consumer mobile device (see col. 7, lines 41-53, matching transaction parameters).

29. (CURRENTLY AMENDED) The computer system as in claim 28, wherein the controller of the merchant device partitions software execution by executing the merchant retail application program and the purchasing application program executing the Protocol verifying in separate processing partitions (see col. 17, lines 11-20, program module).

30. (PREVIOUSLY PRESENTED) The computer system as in claim 29, wherein the wire and/or wireless network between the STS device and the merchant device is a secure network connection channel (see col. 8, lines 36-38, secure transaction).

31. (PREVIOUSLY PRESENTED) The computer system as in claim 30, wherein the secure network connection to the STS device is over Internet (see col.10, lines 44-50).

32. (PREVIOUSLY PRESENTED) The computer system as in claim 31, wherein the secure network connection channel to the STS device is wireless (see col. 8, lines 36-39, secure wireless transaction).

35. (PREVIOUSLY PRESENTED) The computer system of claim 1, wherein the STS device includes a secure physical environment protecting integrity of the consumer and merchant accounts (see col. 8, lines 36-39, secure transaction).

36. (PREVIOUSLY PRESENTED) The computer system of claim 35 further comprising a plurality of STS devices handling varying processing load and access demands according to geographic constraints (see col. 6, lines 1-3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 17-26, 33, 34 are rejected under U.S.C. 103(a) as being unpatentable over, Mizrah, U.S. Patent No. 7,379,916, in view of Drummond, U.S. Patent No. 7,025,256.

Claims

8, 17 – 26, 33, 34. the local wireless network interface of the consumer mobile device is WiFi and the computer system further comprises a WiFi access point operated by the merchant device and the merchant device provides a directory service on the local wireless network (see col. 6, lines 28-47, wireless access point).

the local wireless interface of the consumer mobile device includes IR and the computer system further comprises an IR access point operated by the merchant device (see col. 6, lines 28-47, lines, IR).

the local wireless interface of the consumer mobile device includes WiFi and the computer system further comprises one or more WiFi access points operated by another party as a hotspot application (see col. 6, lines 28-47, other wireless network interfaces, (hotspot is inherent to a WiFi network)).

the local wireless interface of the consumer mobile device includes WiFi and the computer system further comprises one or more WiFi access points operated by another party as a hotspot application (see col. 6, lines 28-47, other wireless network interfaces).

the local wireless interface of the consumer mobile device includes Bluetooth and the computer system further comprises one or more access points operated by another

party as a hotspot application (see col. 6, lines 28-47, other wireless network interfaces, Bluetooth).

the local wireless interface of the consumer mobile device includes IR and the computer system further comprises one or more access points operated by another party as a hotspot application (see col. 6, lines 28-47, IR).

the local wireless interface of the consumer mobile device UWB and the computer system further comprises one or more access points operated by another party as a hotspot application (see col. 6, lines 28-47, plurality of wireless devices).

multiple local wireless network access points operated by another party but granting access to the merchant device and the consumer mobile device (see col. 6, lines 28-47, plurality of wireless devices).

the local wireless interface of the consumer mobile device is a point-to-point connection based on IR (see col. 6, lines 28-47, IR).

multiple local wireless network access points operated by the merchant and granting access to the consumer mobile device (see col. 6, lines 28-47, plurality of wireless devices).

With regard to the limitations below, Drummond discloses various wireless interface technologies. Drummond does not specifically disclose UWB and Zigbee. However, the Examiner takes **Official Notice** that it is old and well known in the computer communication art that various wireless technologies exist, such as Bluetooth, UWB and Zigbee. It would have been obvious to one of ordinary skill in the art at the time of

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the invention to modify Drummond with the elements of UWB and Zigbee because these are wireless technologies that can be utilized as communication interfaces by design choice.

the local wireless interface of the consumer mobile device includes UWB and the computer system further comprises a UWB access point operated by the merchant device.

the local wireless interface of the consumer mobile device includes Zigbee and one or more access points operated by another party as a hotspot application

the local wireless interface of the consumer mobile device includes Zigbee and the computer system further comprises a Zigbee access point operated by the merchant device

the wireless network interface of the consumer mobile device can be any of, WiFi, Bluetooth, UWB, IR, Zigbee, or other local wireless network interface, or a cellular telephone network

8. Claims 9, 12-14 are rejected under U.S.C. §103(a) as being unpatentable over, Mizrah, U.S. Patent No. 7,379,916, in view of Drummond, U.S. Patent No. 7,025,256, and in further view of Beigel, U.S. Patent Application No. 20030174049.

Claims 9, 12-14

Mizrah/Drummond disclose the limitations as shown above. Mizrah/Drummond does not directly disclose speech or RFID technology, but Beigel teaches:

the consumer mobile device associates, as a proximity binding, with the purchase transaction, based upon one or more of a barcode display, a barcode, an RF-ID tag or location determination (paragraph 2, RFID).

the consumer mobile device is without a display and comprises means for communicating output including synthesized speech (paragraph 52).

the consumer mobile device is without buttons or a touch screen and comprises input means including a microphone processing input by speech recognition and output means for communicating output including synthesized speech (paragraph 52).

the consumer mobile device further comprising a biometric sensor identifying a user according to one or more of fingerprint or face recognition (paragraph 29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mizrah/Drummond to include the speech and RFID technology of Beigel since this allows for a speech interface and RFID transaction binding, which further enhances the user interface options and transaction binding options.

Response to Arguments

9. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3685
June 17, 2008

/Jalatee Worjloh/

Primary Examiner, Art Unit 3685